IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 14618 of 2006(M)

PETITIONER:

AKHIL MATHEW, S/O. A.T. MATHEW,
(MINOR), REP. BY FATHER A.T. MATHEW,
ADVOCATE, AMBALATHURUTHEL HOUSE,
EDATHIL ROAD, THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

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1. THE SECRETARY, BOARD OF PUBLIC
EXAMINATIONS, KERALA, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR GOVT.EXAMINATIONS
PAREEKSHA BHAVAN, POOJAPPURA,
THIRUVANANTHAPURAM.

BY G.P. SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE MARK SHEET ISSUED BY R1 TO THE PETITIONER.

P2: TRUE COPY OF THE INTIMATION DT.30.8.2005 ISSUED BY R2 TO THE PETITIONER.

P3: TRUE COPY OF THE REVISED MARK SHEET ISSUED BY R1 TO THE PETITIONER.

P4: PHOTOCOPY OF THE ANSWER SCRIPT OF MALAYALAM PAPER-II.

P5: TRUE COPY OF THE LETTER DT.29.10.2005 SENT BY THE PETITIONER'S FATHER TO R2.

P6: TRUE COPY OF THE LETTER DT.4.4.2006 SENT BY R2 TO THE PETITIONER'S FATHER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.14618 of 2006

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Dated this the 19th day of February, 2007.

JUDGMENT

The W.P. is filed for direction to respondents to give A+ grade to the petitioner in the subject Malayalam also in the SSLC examination written by her in March 2005. The petitioner has produced Ext.P1 marklist and photocopy of the answer book for the Malayalam paper. The marks awarded under Ext.P1 for Malayalam was 38. When petitioner applied for revaluation, petitioner got 40 marks. However, on rechecking the original answer paper, it was noticed that there was omission in giving three marks which makes it to 41. Accordingly petitioner was given 41 marks as is clear from Ext.P6. Petitioner's case is that omission to give proper marks is in respect of question No.7 where petitioner has got three and a half marks. If this is added to the original marks, petitioner will get 41 and a half is the case of the petitioner. However, on going through the answer paper and marklist, I find there is mistake not only in respect of question No.7, but in respect of question No.6 also because the marks shown in the marklist for question No.6 is 3 and a half, whereas the answer paper shows that petitioner has got only three marks which again appears to be conversion of

two into three. In any case the total omission from the marklist is obviously three and petitioner is not entitled to anything more than what is granted by Ext.P6. Even though petitioner is entitled to get two more marks on internal evaluation, still he is not entitled to A+ because minimum mark required is 54 marks. In the circumstances, W.P. fails and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms